vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2793 OF 2004

The Chief Executive Officer,
Zilla Parishad, Solapur ... Petitioner

V/s.

Puransing Mansing Pawar ... Respondent

Mr.Nitin Jamdar i/b Vijay Killedar for Petitioner
Mr.G.S. Godbole with Ashok Tejane for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 6, 2007**

P.C.:

. The petition challenges the order of the Labour Court passed in a complaint filed by the workman under Item 1 of Schedule IV of the MRTU & PULP Act and also the order of the Industrial Court dismissing the revision application filed by the petitioner. The Labour Court has held that the petitioner was engaged in an unfair labour practice under Item 1(b) and (d) of Schedule IV of the MRTU & PULP Act. It has directed the petitioner to reinstate the complainant workman i.e., the respondent herein in his original post with continuity of service within a month from the date of the order, without backwages. The Industrial Court has dismissed the revision application on various grounds.

2. The Labour Court has rightly concluded that the

petitioner had acted contrary to law while terminating the services of the respondent. It has found that the order of termination dated 30.11.1987 subsequently merged in the order dated 5.9.1989 of the Commissioner, who was the appellate authority. That order was found to be stigmatic and that the petitioner ought to have conducted an enquiry prior to terminating the services of the complainant. In my view, there is no error committed by the Labour Court while directing reinstatement.

3. The submission of the learned advocate for the petitioner that this order of termination from service is not stigmatic cannot be accepted as although the initial order dated 30.11.1987 was of simple termination, the subsequent order passed in Appeal on 5.9.1989 was stigmatic. The apprehension of the learned advocate for the petitioner that the petitioner would have to reinstate the workman as a permanent workman, contrary to the recent judgments of the Supreme Court, is unfounded as the Labour Court has merely directed reinstatement to the post which the respondent workman was holding earlier with continuity of service. No interference is called for. Petition rejected.